

STATE OF SOUTH DAKOTA  
COUNTY OF DAVISON )

)  
: SS

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT

**FILED**

STATE OF SOUTH DAKOTA,

JUL 12 2019

AFFIDAVIT AND APPLICATION

Plaintiff,)

vs.

*Brian K. Larson*  
DAVISON COUNTY CLERK OF COURTS  
FIRST JUDICIAL CIRCUIT COURT OF SD

CR19-443  
FOR EX PARTE

Smith, Michael Lee-David  
(Last Name, First Name, Middle Name)  
Date of Birth [REDACTED]

Defendant )

) PROBABLE CAUSE DETERMINATION

TO: The Circuit Court, First Judicial Circuit, in and for Davison County, South Dakota  
I hereby swear as follows:

1. My name is Brian Larson
2. I am a certified law enforcement officer.
3. On the 11th day of July 2019, I arrested the above named

Defendant, without a warrant, and charged him or her with the offense of  
10 counts of Cruelty to Animals  
In violation of SDCL 40-1-2.4

4. I believe that probable cause exists to arrest said Defendant for such offense based on the following (five statement of facts and/or if applicable, attach case report or other report and write "See attached case Report(s) which is (are) incorporated herein by reference.")  
Approximately 3 weeks ago the Mitchell PD Animal Control Officer (A.C.O.) received complaints from the trailer park owner at 1401 S. Main St. Mitchell, SD, as well as complaints from neighbors to trailer #104 of a strong fowl odor coming from the trailer. The A.C.O. met with the owner of the trailer park on 06-24-19 about the odor and found a partially decomposed deceased cat laying outside of the trailer partially outside of a cat house. The A.C.O. stated that the odor of cat urine and feces was extremely strong from staning several feet away from the trailer. Several attempts were made to meet with the owner of the trailer and no interview was ever able to be set up.

On 07-11-19, a search warrant was executed at the residence. Upon entering the trailer, officers noted the floor was covered in several mounds of cat feces. There was empty cat food cans laying all over throughout the entire residence. Officers also found several flies inside of the residence and all over the mounds of feces. The odor was extremely strong that it could be smelled through the officers respirators. Officers found multiple cats inside of the residence that were in various stages of poor health.

Officers with the Humane Society were also present for the search warrant and noted several cats laying in feces and many of them very skinny and were obviously sick upon making entry into the trailer. Those employees also noted many of the cats had ocular and nasal discharge. Due to the amount of feces inside the residence it was obvious that the cats were left to live in this environment for quite some time. Those employees noted that the cats were sick due to the living conditions inside of the trailer.

The owner of the trailer was spoken to about this and stated that she has not been at the trailer for over a month now and that she was having her son, Michael Smith, care for the animals. Michael was spoken to and stated that he was aware that the conditions were getting very, very bad. Michael stated that he knew that there was feces and urine all throughout the trailer and that there were no litter boxes inside of the residence. Michael stated that he gave the cats food and water but did not make any efforts to clean up the garbage or the feces in the trailer.

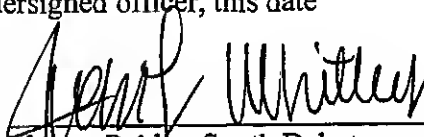
At the time of Michael's arrest, at least 10 cats had been recovered from the trailer. Several more cats are still in the trailer hiding and are attempted to be caught.

5. I requested that the Court make an ex parte determination as to whether probable cause exists for the warrantless arrest of said Defendant for the above mentioned public offense.

Dated 07-11-19

  
Law Enforcement Officer

Subscribed and sworn to before me, the undersigned officer, this date

  
Notary Public- South Dakota  
My Commission Expires: 4-16-2024  
(Seal)

"PBT at Booking": \_\_\_\_

STATE OF SOUTH DAKOTA

)  
: SS

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT

COUNTY OF DAVISON )

**FILED**

JUL 12 2019

STATE OF SOUTH DAKOTA,

Plaintiff,)

AFFIDAVIT AND APPLICATION

vs.

*Debra K. McNamee*  
DAVISON COUNTY CLERK OF COURTS  
FIRST JUDICIAL CIRCUIT COURT OF SD

EX PARTE

Smith, Brandy Lee

(Last Name, First Name, Middle Name)

Date of Birth [REDACTED]

) PROBABLE CAUSE DETERMINATION

02119-442

Defendant )

TO: The Circuit Court, First Judicial Circuit, in and for Davison County, South Dakota  
I hereby swear as follows:

1. My name is Brian Larson
2. I am a certified law enforcement officer.
3. On the 11th day of July 2019, I arrested the above named

Defendant, without a warrant, and charged him or her with the offense of

10 counts of Cruelty to Animals

In violation of SDCL 40-1-2.4

4. I believe that probable cause exists to arrest said Defendant for such offense based on the following (five statement of facts and/or if applicable, attach case report or other report and write "See attached case Report(s) which is (are) incorporated herein by reference.")

Approximately 3 weeks ago the Mitchell PD Animal Control Officer (A.C.O.) received complaints from the trailer park owner at 1401 S. Main St. Mitchell, SD, as well as complaints from neighbors to trailer #104 of a strong fowl odor coming from the trailer. The A.C.O. met with the owner of the trailer park on 06-24-19 about the odor and found a partially decomposed deceased cat laying outside of the trailer partially outside of a cat house. The A.C.O. stated that the odor of cat urine and feces was extremely strong from stinging several feet away from the trailer. Several attempts were made to meet with the owner of the trailer, Brandy Smith, and no interview was ever able to be set up. On 07-11-19, a search warrant was executed at the residence. Upon entering the trailer, officers noted the floor was covered in several mounds of cat feces. There were empty cat food cans laying all over throughout the entire residence. Officers also found several flies inside of the residence and all over the mounds of feces. The odor was extremely strong that it could be smelled through the officers respirators. Officers found multiple cats inside of the residence that were in various stages of poor health.

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Officers with the Humane Society were also present for the search warrant and noted several cats laying in feces and many of them very skinny and were obviously sick upon making entry into the trailer. Those employees also noted many of the cats had ocular and nasal discharge. Due to the amount of feces inside the residence it was obvious that the cats were left to live in this environment for quite some time. Those employees noted that the cats were sick due to the living conditions inside of the trailer.

Brandy was spoken to about this and stated that she has been taking in cats for over 20 years. She stated that she does own the trailer and that she is responsible for the living conditions. Brandy stated that she has not been at the trailer

for over a month now. Brandy stated that she was having her son care for the animals but that she was aware that the conditions were getting very, very bad. Brandy stated that she knew that there was feces and urine all throughout the trailer and that there were no litter boxes inside of the residence.


At the time of Brandy's arrest, there were at least 10 cats removed from the trailer. There were several more cats inside of the trailer that were hiding and efforts are being made to collect them.

5. I requested that the Court make an ex parte determination as to whether probable cause exists for the warrantless arrest of said Defendant for the above mentioned public offense.

Dated 07-11-19

  
\_\_\_\_\_  
Law Enforcement Officer

Subscribed and sworn to before me, the undersigned officer, this date

  
\_\_\_\_\_  
Notary Public- South Dakota  
My Commission Expires: 4-16-2024  
(Seal)

"PBT at Booking": \_\_\_\_\_